

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MIKHAIL KHURIN,

Plaintiff,

-against-

LIFE TRANSMED, INC.,
SAMUEL TREYBICH, and
BORIS ODER,

Defendants.

-----X
Gold, S., Magistrate Judge:

Plaintiff filed this action on June 27, 2013. Docket Entry 1. I held an initial conference on November 4, 2013. Counsel for plaintiff appeared, but defendants had not answered and no appearance had been made on their behalf. Docket Entry 7.

Plaintiff filed an amended complaint on November 15, 2013. Docket Entry 8. By letter dated December 15, 2013, plaintiff's counsel advised the Court that defendants Life Transmed and Samuel Treybich had been served and sought additional time to serve defendant Boris Oder. Docket Entry 10. By Order dated December 16, 2013, I granted plaintiff's application and directed him to file a report on the status of his efforts to serve Oder by January 15, 2014.

Plaintiff did not file the required report by January 15, 2014. Accordingly, on January 31, 2014, I issued another Order directing plaintiff to file the report by February 10, 2014, and alerted plaintiff that I would recommend dismissal if the report was not filed. Docket Entry 11.

Plaintiff has not filed a status report, moved for entry of default with respect to the two defendants who were served, or otherwise communicated with the Court. Accordingly, I

*Report accepted, no timely
objection having been filed. The
case is dismissed for failure to
prosecute. So ordered
MC 4/21/14*

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 25 2014 ★

BROOKLYN OFFICE

REPORT AND
RECOMMENDATION
13-cv-3641 (JBW)

respectfully recommend that this action be dismissed for failure to prosecute, unless plaintiff submits a letter within the time for filing objections to this report that explains the reasons for his failure to respond to the Court's orders and indicates how he intends to proceed with the action. Any objections to the recommendation contained in this report must be filed with the Clerk of the Court within fourteen days of the date of this Report and in any event no later than April 11, 2014. Failure to object to this report may waive the right to appeal the District Court's Order. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72; *See Small v. Sec'y of Health & Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

_____/s/
STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE

Brooklyn, New York
March 25, 2014

U:\failtopro - Khurin.docx